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Attorneys for Defendant GATEWAY, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROYLENE RAY, KELLY CANNON,  
KARLA HODGES, LAKETA COULTER,  
LINDA PULLUM, MAYRA AYAR,  
ESPERANZA OCHOA and JANIS  
SHOEMAKER, individually and on behalf  
of others similarly situated,

Plaintiffs,

vs.

BLUEHIPPO FUNDING, LLC,  
BLUEHIPPO CAPITAL, LLC and  
GATEWAY, INC.,

Defendants.

Douglas R. Young (SBN 073248)  
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BLUEHIPPO FUNDING, LLC and  
BLUEHIPPO CAPITAL, LLC

Case No. C-06-1807 JSW EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING CONTINUANCE  
OF PRETRIAL DATES AND REFERRAL  
TO MAGISTRATE JUDGE FOR  
SETTLEMENT CONFERENCE**

Hon. Jeffrey S. White  
Courtroom 2, 17<sup>th</sup> Floor

Trial Date: December 14, 2009

1 All parties hereto, through their counsel of record, hereby stipulate and ask the Court to  
2 order as follows:

3 1. On August 26, the parties received a notification from the Court's CM/ECF system  
4 setting a Status Conference for December 12, 2008 at 1:30 p.m. A true and correct copy of the  
5 notification is attached as Exhibit A to the Declaration of Anthony P. Schoenberg In Support Of  
6 Stipulation Regarding Continuance Of Pretrial Dates And Referral To Magistrate For Settlement  
7 Conference ("Schoenberg Decl."), filed herewith.

8 2. In light of the anticipated December 12, 2008 Status Conference, the parties filed a  
9 Joint Status Statement on December 4, 2008. A true and correct copy of the Joint Status  
10 Statement is attached as Exhibit B to the Schoenberg Decl.

11 3. In the Joint Status Statement, the parties each requested that the Court continue the  
12 pretrial dates. The Defendants and the Plaintiffs, however, set forth competing positions  
13 regarding the amount of time by which they sought to continue such dates. The parties respective  
14 positions are set forth in the Joint Status Statement at pp. 2-6. *See* Schoenberg Decl., Exhibit B.

15 3. In the Joint Status Statement, the parties also requested that the Court appoint a  
16 Magistrate Judge to assist with the parties with settlement discussions. *See* Schoenberg Decl., Ex.  
17 B at 2:6-8.

18 3. On December 8, 2008, the Court's Courtroom Deputy advised the parties that no  
19 Status Conference appeared on the Court's calendar for December 12, 2008. *See* Schoenberg  
20 Decl. ¶ 6. She further advised that the August 26, 2008 notification the parties received from the  
21 Court's CM/ECF system had been in error. *Id.*

22 4. Under the current pretrial schedule, motions related to class certification must be  
23 filed no later than January 15, 2008. Given the imminence of that deadline, and in light of the  
24 upcoming holidays, the parties believe that the above-referenced scheduling issues must get  
25 resolved promptly. Accordingly, the parties hereby stipulate and jointly request that the Court  
26 issue a ruling as soon as possible addressing the parties' competing requests to continue the  
27 pretrial dates that are set forth in the Joint Status Statement. If the Court believes that a Status  
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1 Conference is needed in order to resolve this issue, the parties will make themselves available at  
2 the Court's earliest convenience.

3 5. The parties also jointly request a referral to a Magistrate Judge, and specifically to  
4 Magistrate Judge Spero, for a settlement conference.

5 SO STIPULATED.

6 Dated: December 9, 2008

7 By: \_\_\_\_\_ /s/  
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SHOEMAKER

22 Dated: December 9, 2008

QUINN EMANUEL URQUHART OLIVER  
& HEDGES

23  
24 By: \_\_\_\_\_ /s/  
Stan Karas

25 Attorneys for Defendant  
26 GATEWAY, INC.  
27  
28

Dated: December 9, 2008

FARELLA BRAUN & MARTEL LLP

I represent that concurrence in the filing of this document has been obtained from each of the other signatories which shall serve in lieu of their signatures on this document.

By: /s/  
Anthony P. Schoenberg

Attorneys for Defendants  
BLUEHIPPO FUNDING, LLC and  
BLUEHIPPO CAPITAL, LLC

### ORDER

Pursuant to the above-referenced stipulation, and for good cause shown, IT IS HEREBY ORDERED THAT the Court adopts the following new pretrial dates:

Event	Current Dates	New Dates
1. Last day to file motions regarding class certification, with briefing schedule to follow local court rules.	1/15/09	2/19/09
2. Hearing on motions regarding class certification	2/20/09	4/3/09 at 9:00 a.m.
3. Close of fact discovery.	5/18/09	6/15/09
4. Plaintiffs identify experts and produce expert reports.	6/2/09	7/7/09
5. Defendants identify experts and produce expert reports.	6/16/09	7/21/09
6. Parties serve supplemental expert disclosures and reports.	6/30/09	8/4/09
7. Last day for completing expert depositions.	7/20/09	8/24/09
8. Last day to <sup>hear</sup> file dispositive motions, with briefing schedule to follow local court rules.	8/20/09	10/2/09 at 9:00 a.m.
9. Parties serve opening briefs in support of motions <i>in limine</i> (suggested date per Judge White's Standing Orders).	10/9/09	11/13/09
10. Parties serve oppositions to motions <i>in limine</i> (suggested date per Judge White's Standing Orders).	10/16/09	11/20/09
11. Parties to file pretrial submissions pursuant to Judge White's Standing Orders, including: 1) joint proposed pretrial order, 2) joint proposed jury instructions and supporting memoranda, 3) joint proposed <i>voir dire</i> questions, 4) joint motions <i>in limine</i> binder, and 5) trial briefs on issues of law.	11/9/09	12/14/09
12. Final pretrial conference.	11/23/09	1/11/10 at 2:00 p.m.
13. Trial.	12/14/09	2/1/10 at 8:00 a.m.

IT IS FURTHER ORDERED THAT this matter is referred to Magistrate Judge Joseph C. Spero for a settlement conference.

1 IT IS SO ORDERED.

2 Dated: December 10, 2008, 2008

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5 Hon. Jeffrey S. White  
6 United States District Judge  
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